

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

SCOTT BREIMEISTER,

Defendant.

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Criminal No. 18-CR-368

ORDER

The Court has considered the Unopposed Motion to Continue the Status Hearing and to Exclude Time. The Court hereby sets this matter for an [in-person] [telephonic] status conference on May __, 2026, at _____. Additionally, the Court holds that time from December 19, 2025, through May __, 2026, constitutes excludable delay under 18 U.S.C. § 3161(h). The Court finds that, pursuant to 18 U.S.C. § 3161(h)(1)(C), because Breimeister has filed a petition for certiorari from the ruling of the Fifth Circuit to the Supreme Court, and the Supreme Court has not yet ruled upon the petition, time is automatically excludable. Additionally, pursuant to 18 U.S.C. § 3161(h)(7), in light of Breimeister's pending petition for certiorari, the ends of justice served by setting the matter for status outweigh the interest of the public and defendant in a speedy trial.

Thus, the period of delay resulting from setting this matter for status, from December 19, 2025, through and including the date on which the status hearing is set, shall be deemed excludable time pursuant to 18 U.S.C. §§ 3161(h)(1)(C), (h)(7)(A), (B)(i), and (B)(iv), because the delay results from a continuance granted by the Court at the United States' request, on the basis of the Court's finding that: (1) the ends of justice served by the continuance outweigh the best interest of the public and the Defendant in a speedy trial; (2) failure to grant the continuance would be likely to make a continuation of the proceeding impossible, or result in a miscarriage of justice; and (3) failure to grant the continuance would deny counsel for the defendant or the attorney for the

Government the reasonable time necessary for effective preparation. The motion is therefore GRANTED.

It is ORDERED that a period of excusable delay shall consist of the period starting on December 19, 2025, through and including May __, 2026.

It is so ORDERED.

Date: _____

The Hon. Alfred H. Bennett
United States District Judge